

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

IN RE:	§	
	§	
BEBCO ENVIRONMENTAL	§	Case No. 24-80258
CONTROLS CORPORATION	§	(Chapter 11)
	§	
Debtor.	§	

OBJECTION OF 4725 LAWNDAL, LLC TO:

(1) MOTION OF DEBTOR TO (A) APPROVE EMPLOYMENT OF AUCTIONEER, (B) APPROVE THE AUCTION OF CERTAIN ASSETS OF THE DEBTOR FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES, AND (C) TO APPROVE RELATED RELIEF (RE: DOCKET NO. 3), AND

(2) MOTION FOR EXPEDITED CONSIDERATION OF MOTION OF DEBTOR TO (A) APPROVE EMPLOYMENT OF AUCTIONEER, (B) APPROVE THE AUCTION OF CERTAIN ASSETS OF THE DEBTOR FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES, AND (C) TO APPROVE RELATED RELIEF (RE: DOCKET NO. 6)

TO THE HONORABLE ALFREDO R. PEREZ, U.S. BANKRUPTCY JUDGE:

4725 LAWNDAL, LLC (“Landlord”), landlord, creditor and party in interest files this objection to (1) *Motion of Debtor to (A) Approve Employment of Auctioneer, (B) Approve the Auction of Certain Assets of the Debtor Free and Clear of Liens, Claims and Encumbrances, and (C) to Approve Related Relief* (Re: Docket No. 3), and (2) *Motion for Expedited Consideration of Motion of Debtor to (A) Approve Employment of Auctioneer, (B) Approve the Auction of Certain Assets of the Debtor Free and Clear of Liens, Claims and Encumbrances, and (C) to Approve Related Relief* (Re: Docket No. 6) (together, the “Sale Motions”) and in support thereof would show the Court the following.

1. Landlord is the landlord to the Debtor with respect to the primary location of the Debtor.

2. Debtor filed this case on August 30, 2024, and thus September, 2024 rent under the lease was due on September 1, 2024. See Exhibit W001 attached hereto.

3. Debtor has not paid rent, but Debtor has not moved for relief to extend performance under Code § 365(d)(3).

4. Debtor indicates that Debtor will (i) pay September, 2024 rent by the end of September, 2024, (ii) pay October, 2024 rent by mid October, and (iii) vacate the premises by October 31, 2024.

5. Accordingly, in light of the absence of relief sought by the Debtor to delay performance, the order(s) on the Sale Motions should make the stated intentions of the Debtor explicit and provide that:

- a. Debtor must pay September, 2024 rent as invoiced by the Landlord on or before **September 30, 2024**, and in the absence of such payment and timely receipt of funds by Landlord then the automatic stay of Code §362(a) shall immediately lift and terminate without further notice or order effective as of 12:01 a.m. on October 1, 2024 so that 4725 Lawndale, LLC may take possession and control of the leased premises and immediately exercise any and all of its rights and remedies under the lease.
- b. Debtor must pay October, 2024 rent as invoiced by the Landlord on or before **October 15, 2024**, and in the absence of such payment and timely receipt of funds by Landlord the automatic stay of Code §362(a) shall immediately lift and terminate without further notice or order effective as of 12:01 a.m. on October 16, 2024 so that 4725 Lawndale, LLC may take possession and control of the leased premises and immediately exercise any and all of its rights and remedies under the lease.
- c. Debtor must vacate the premises leased from 4725 Lawndale, LLC on or before **October 31, 2024**, and effective as of 12:01 a.m. on November 1, 2024, if possession and control was otherwise obtained previously, 4725 Lawndale, LLC shall have possession and control of the premises and immediately exercise any and all of its rights and remedies under the lease, with the automatic stay of Code §362(a) shall immediately lift and terminate on 12:01 a.m. on November 1, 2024 without further notice or order.

- d. Nothing contained above shall prevent the Landlord from seeking additional and/or other relief of any nature.
- e. Landlord may continue to market and show the property for a new lease and new tenant.

6. The relief sought by Landlord is appropriate considering the facilitation of the sale process that is provided by the leased premises and the de facto extension of credit by the Landlord by the delay in payment of rent.

7. Conditioning the relief sought by the Sale Motions is also equitable and practical in terms of avoiding the expenditure of additional time and attorneys fees of separate or additional motion practice to reach the same result.

8. Landlord reserves the right to amend and/or supplement this objection prior to or at the hearing on the Sale Motions.

WHEREFORE, 4725 Lawndale, LLC, landlord, creditor, and party in interest, respectfully requests that the Court condition the Sale Motions upon the relief requested above. Landlord respectfully requests such other and further relief to which Landlord is entitled at law or in equity.

Dated: September 6, 2024

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

JEFF CARRUTH (TX SBN: 24001846)

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Houston, Texas 77046

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ATTORNEYS FOR
4725 LAWNGDALE, LLC

CERTIFICATE OF SERVICE

On September 6, 2024, I hereby certify that a true and correct copy of the foregoing Notice of Appearance was served upon all registered ECF users who have appeared in this case.

/s/ Jeff Carruth

Jeff Carruth

Invoice

2602 Persa Street
STE 3
Houston, TX 77098
(713) 936-2130

EXHIBIT W001

4725 Lawndale LLC

Bill to Bebco Environmental Controls
Corporation
mikeb@exphvac.com
(409) 621-6699

Ship to 4725 Lawndale
La Marque, TX 77568

Invoice 1017
Date Sep 1, 2024
Due date Sep 1, 2024
Amount due \$31,144.50

Items	Quantity	Price	Amount
Rent	1	\$19,385.83	\$19,385.83
Rent			
NNN	1	\$4,500.00	\$4,500.00
Operating Expenses			
Property Insurance	1	\$1,257.00	\$1,257.00
09/2024 Property Insurance Installments (4 of 12) - INV 18295817 Texas First Insurance			
Property Insurance	1	\$6,001.67	\$6,001.67
09/2024 Windstorm Insurance Installments (1 of 9)			

Subtotal \$31,144.50

Total \$31,144.50

Paid \$0.00

Amount due \$31,144.50

EXHIBIT W001 - Page 1

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